

Message Text

SECRET

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ORIGIN SS-25

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DOD/DSAA:JHOENIG

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P 100425Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY KUWAIT PRIORITY
USCINCEUR EXCLUSIVE FOR POLAD
INFO AMEMBASSY CAIRO PRIORITY

S E C R E T STATE 030245

EXDIS - USCINCEUR EXCLUSIVE FOR POLAD-HANDLE AS SPECAT EXCL.

E.O. 11652: GDS

TAGS: MASS, KU

SUBJECT: KUWAIT I-HAWK PROGRAM: APPLICATION OF
TECHNICAL SECURITY AGREEMENT TO AIR DEFENSE ADVISERS

REFERENCE:(A)KUWAIT 5841, (B)KUWAIT 695, (C)CAIRO 2222,
(D) KUWAIT 791

1. DEPT AND DOD HAVE CAREFULLY REVIEWED TEXT OF AUGUST 16,
1974, LETTER FROM SECRETARY OF DEFENSE SCHLESINGER TO
SHAIKH SA'AD IN CONTEXT ENTIRE HISTORY OF NEGOTIATIONS. WE
FIND NO BASIS FOR ASSERTING THAT LETTER, PREDATING FINAL
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AGREEMENT BY SOME 17 MONTHS, PROVIDES RELIEF FROM THE
CLEAR LANGUAGE OF THE AGREEMENT ITSELF. THUS, WE ARE
BOUND BY LANGUAGE OF AGREEMENT WHICH RESTRICTS RELEASE OF
CLASSIFIED INFORMATION TO THIRD COUNTRY NATIONALS TO THOSE
INDIVIDUALS MUTUALLY AGREED UPON. IN ABSENCE US-EGYPTIAN
AGREEMENT ON DISCLOSURE OF CLASSIFIED INFORMATION, WE ARE
NOT IN POSITION TO AGREE TO RELEASE CLASSIFIED I-HAWK

INFORMATION TO EGYPTIAN ADVISERS IN KUWAIT.

2. YOU SHOULD INFORM SHAIKH SA'AD OF THE ABOVE USG POSITION AND MAKE THE FOLLOWING POINTS IN SUPPORT OF YOUR PRESENTATION:

(A) SCHLESINGER LETTER WAS ONE OF SEVERAL PROPOSALS SUBMITTED IN COURSE OF EXTENDED NEGOTIATIONS AND FINAL AGREEMENT WAS REACHED MANY MONTHS SUBSEQUENTLY.

(B) THE SCHLESINGER LETTER WAS FOLLOWED BY ONE FROM DEPUTY SECRETARY OF DEFENSE CLEMENTS ON SEPTEMBER 11, 1975 (COPY BEING POUCHED TO EMBASSY) STATING "THE AMENDMENTS YOU HAVE SUBMITTED TO THE PROPOSED TECHNICAL SECURITY ARRANGEMENT HAVE BEEN CONSIDERED AND I BELIEVE THERE IS A MUTUAL UNDERSTANDING AND AGREEMENT IN THE REVISED ARRANGEMENT TRANSMITTED HERewith." THE INTENT OF THIS LATTER STATEMENT WAS TO MAKE EXPLICIT THE UNDERSTANDING THAT THE VERSION ATTACHED TO THE CLEMENTS LETTER CONTAINED ALL MUTUALLY AGREED UPON REVISIONS.

(C) PARAGRAPH I.A(4) (PERSONAL SECURITY) IN THE REVISED AGREEMENT SUBMITTED WITH THE CLEMENTS' LETTER READS, "(4) AN ADVISOR TO THE GOVERNMENT OF KUWAIT, SPONSORED BY A THIRD COUNTRY GOVERNMENT PROVIDED THE UNITED STATES GOVERNMENT ALSO AGREES TO THE NOMINATION." PARAGRAPH I.A(4) WAS AMENDED FURTHER TO READ, "OTHER INDIVIDUALS AS MAY BE MUTUALLY AGREED UPON, MAY BE GRANTED ACCESS." THIS LANGUAGE WAS ACCEPTABLE TO THE MINISTER OF DEFENSE.

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(D) IN OUR VIEW, THE JANUARY 16, 1976 AGREEMENT IS BINDING. IT LIMITS THIRD COUNTRY NATIONAL DISCLOSURE TO INDIVIDUALS MUTUALLY AGREED UPON. THERE WAS NOTHING ADDITIONAL EXCHANGED AT THAT TIME BY WAY OF CLASSIFICATION OR ELABORATION WHICH WOULD MODIFY CLEAR LANGUAGE IN AGREEMENT ITSELF.

(E) IN CASE OF EGYPTIAN ADVISERS, IN ABSENCE SIMILAR AGREEMENT WITH GOE, WE ARE NOT IN POSITION TO APPROVE RELEASE OF CLASSIFIED INFORMATION TO THEM.

3. WE FULLY APPRECIATE THAT THESE CIRCUMSTANCES POSE SIGNIFICANT PROBLEMS FOR THE GOK. FOR THIS REASON, WE HAVE MOVED VERY QUICKLY TO PROVIDE THE US AIR DEFENSE ADVISORS WHOSE FORTHCOMING ASSIGNMENT TO KUWAIT WE HAVE ALREADY DISCUSSED WITH SHEIKH SA'AD.

4. WE ARE ALSO SENSITIVE TO CONCERNS EXPRESSED BY CAIRO

(REF C). WE HAVE JUST RECEIVED RECOMMENDATIONS CONTAINED
REF D. STATE AND DOD WILL BE REVIEWING THEM URGENTLY IN
ANTICIPATION OF YOUR MEETING WITH SHAIKH SAAD AND WILL BE
BACK IN TOUCH WITH YOU BEFORE 15 FEBRUARY.
VANCE

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NNN

Message Attributes

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Capture Date: 01-Jan-1994 12:00:00 am
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Concepts: TECHNICAL SECURITY, AIR DEFENSE, MILITARY ADVISERS
Control Number: n/a
Copy: SINGLE
Sent Date: 10-Feb-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Reason:
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Handling Restrictions:
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ISecure: 1
Legacy Key: link1977/newtext/t19770253/aaaabvgg.tel
Line Count: 121
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